

SENATE BILL 2712

By Gilbert

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to tobacco and tobacco products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1504(c), is amended by placing a period after the word "park" and by deleting all language subsequent thereto.

SECTION 2. Tennessee Code Annotated, Section 39-17-1504(d), is amended in the first sentence by deleting the word and symbol "eighteen (18)" and by substituting instead the word and symbol "twenty-seven (27)".

SECTION 3. Tennessee Code Annotated, Section 39-17-1504(e), is amended by deleting the first sentence in its entirety and by substituting instead the following:

Any person who violates this section shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first violation; not more than one thousand dollars (\$1,000) for a second violation; and not more than one thousand five hundred dollars (\$1,500) for any subsequent violations. After notice and the opportunity for a hearing, any person in possession of a retail license who is found to have violated this section on three (3) or more occasions is subject to such penalty and the suspension of such person's retail license for a period of not less than one (1) week nor more than six (6) months.

SECTION 4. Tennessee Code Annotated, Section 39-17-1504 is amended by deleting subsections (f) and (h) in their entirety.

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SECTION 5. Tennessee Code Annotated, Section 39-17-1505(a), is amended by inserting the words and punctuation "to possess a tobacco product, or" between the words "years of age" and the word "to".

SECTION 6. Tennessee Code Annotated, Section 39-17-1505, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Any tobacco product found in the possession of a minor is contraband and subject to seizure by any law enforcement agency. Any minor violating Section 39-17-1505 shall be issued a citation similar to a uniform non-traffic citation and shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each violation, but shall not be required to pay any court costs or fees. The enforcement of this section shall be within the jurisdiction of the municipal court where the violation occurred or any court having concurrent jurisdiction. Violations of this section shall not be considered criminal offenses and shall be administratively adjudicated.

SECTION 7. Tennessee Code Annotated, Section 39-17-1505, is amended by adding the following language as new subsection (c):

(c) It shall not be unlawful for a minor employee to handle, transport, or sell tobacco or tobacco products if the minor employee is acting within the course and scope of the minor's employment and a retail permit holder or employee twenty-one (21) years of age or older is present.

SECTION 8. Tennessee Code Annotated, Section 39-17-1506(b), is amended by deleting the words "Class C misdemeanor" and by substituting instead the words "civil offense".

SECTION 9. Tennessee Code Annotated, Section 39-17-1507(b), is amended by deleting the word and symbol "eighteen (18)" and replacing it with the word and symbol "twenty-seven (27)".

SECTION 10. Tennessee Code Annotated, Section 39-1507(c), is amended by deleting all language after the word and punctuation "required", and by substituting instead the following:

shall be liable for a civil penalty of not more than five hundred dollars (\$500) for the first violation; not more than one thousand dollars (\$1,000) for a second violation; and not more than one thousand five hundred dollars (\$1,500) for any subsequent violations.

After notice and the opportunity for a hearing, any person in possession of a retail license who is found to have violated this section on three (3) or more occasions is subject to such penalty in addition to the suspension of such retail license for a period of not less than one (1) week nor more than six (6) months.

SECTION 11. Tennessee Code Annotated, Section 39-17-1508(b), is amended by deleting the words "Class C misdemeanor" and by substituting instead the following:

Any person who violates this section shall be liable for a civil penalty of not more than five hundred dollars (\$500) for the first violation; not more than one thousand dollars (\$1,000) for a second violation; and not more than one thousand five hundred dollars (\$1,500) for any subsequent violations. After notice and the opportunity for a hearing, any person in possession of a retail license who is found to have violated this section on three (3) or more occasions is subject to the such penalty in addition to the suspension of such retail license for a period of not less than one (1) week nor more than six (6) months.

SECTION 12. Tennessee Code Annotated, Section 39-17-1509, is amended by adding the following to the end thereto:

The department of agriculture shall also prepare an annual report detailing the results of the aforescribed inspections for submission to the members of the Tennessee general assembly. The department of agriculture shall make readily available to the public the results of all random inspections.

SECTION 13. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting such section in its entirety and by substituting instead the following:

Nothing contained herein shall be construed to restrict the power or authority of any county, city, town or other political subdivision to adopt and enforce additional local laws, ordinances, or regulations that comply with at least the minimum applicable standards set forth in this act.

SECTION 14. This act shall take effect July 1, 1998, the public welfare requiring it.